

CHAPTER : 2

Concept of law.

Law is a set of rules that are created and are enforceable by social or governmental institutions to regulate behavior, with its precise definition a matter .We will look at the legal terminology that falls within the concept of the term law, like : law, legal rules, the legislative power, legal texts...

✚ **Definition of law**

✚ **Object of law**

1. Definition of law

It is very difficult to state a single and accurate definition of the term (LAW) as it is a general term and has different connotation for different people. For example, a common man may think of law as a set of rules he has to obey whereas for a judge, it is nothing but a set of guiding principles to be applied in deciding cases. Likewise law has been variously defined by various individuals from different point of view and hence there could not be and is not any unanimity of opinion regarding the real nature of the law and its definition.

Law in simple term implies (rules) and as such includes different sets of rules which govern or regulate various external human action and conduct of individuals, institutions and the Government with each other. But, merely rules or sets of rules do not mean law, they must be enforced by the sovereign state and must receive due recognition.

The term (Law) has been defined by many authorities. It has been defined as « rules of human action » It denotes different kinds of rules and principles. In order to understand its meaning clearly, let us consider the definition stated by some of the Jurists.

Noted British Jurist John Austin says « law is a body of rules determined and enforced by a sovereign political authority ».

Von Savigny said, « Law is a product of the general consciousness of the people. »

According to Salmond, « Law is the body of principles recognised and applied by the state in the administration of justice. »

According to Anson, « The object of Law is order, and the result of order is that men are enabled to look ahead with some sort of security as to the future»

the above definitions suggests that law is a body of rules recognised and maintained by the state to regulate the human behaviour and conduct in a society. A law will present the following characteristics.

- It is a set of rules.
- It regulates the human conduct.
- It is created and maintained by the state.
- Its violation leads to punishment.

2. Object of law :

A long standing problem of legal philosophy is the clash between the interest of an individual and the interest of the group. It is true that law is an instrument of society. The law assures to an individual the maximum freedom for the exercise of his rights, at the same time an unrestricted exercise of free will by an individual may clash with the interest of the group to which he belongs.

Here the role of law is to act as a regulator to strike balance between the rights of the individual and the rights of the group, an orderly society would be in existence if everyone acts according to Dharma and thereby protects Dharma. Such an orderly society in turn protects the rights of an individual.

Therefore, it can be said that the object of law is to enforce standards of the social behaviour, to provide rules whereby the relations of individual to individual, group to group, government and citizens may be such that conflict is avoided; where conflict cannot be avoided the law provides the means of adjudication through courts.

المصطلحات بالعربية	English terms
القانون	Law
قواعد قانونية	legal rules
القانون ظاهرة إنسانية واجتماعية	Law is a human and social phenomenon
الحرية والعدالة والمساواة	Freedom, justice and equality
قواعد ملزمة	binding rules
السلطة العامة	Public Authority
السلطة التشريعية	the legislative power
حرية الرأي وحرية التنقل	Freedom of Opinion, Movement
حق التملك وحق الحياة	Property, Life
المصلحة العامة	the public interest
العدالة في المجتمع	Justice in Society
القانون الوضعي الجزائري	Algerian Law
القانون المُطبق فعلاً في الدولة	The law applied in the country
التشريع	Law
التقنين	Coded
الحق	Right
النصوص القانونية	legal texts
قواعد الأخلاق	The rules of morality
قواعد المجاملات والتقاليد	Courtesy Rules
قواعد الدين	rules of religion